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DENTAL HYGIENIST LICENSING ACT

AMENDMENTS

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael G. Waddoups

House Sponsor: Rebecca D. Lockhart

LONG TITLE

General Description:

This bill modifies provisions of the Dental Hygienist Licensing Act by expanding the definition of the practice of dental hygiene, defining the "practice of dental hygiene under public health supervision," and allowing a dental hygienist to practice dental hygiene as a volunteer for or an employee of or under a contract with a healthcare facility or in an institutional setting under general supervision or under public health supervision.

Highlighted Provisions:

This bill:

- ▶ expands the definition of the practice of dental hygiene to include administering and prescribing topical medicaments related to and appropriate in the practice of dental hygiene;
- ▶ defines "practice of dental hygiene under public health supervision" to mean practicing dental hygiene in collaboration with a consulting dentist; and
- ▶ allows a dental hygienist to practice dental hygiene as a volunteer for or an employee of or under a contract with a healthcare facility or in an institutional setting under general supervision or public health supervision, with certain qualifications.

Monies Appropriated in this Bill:



28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **58-69-102**, as enacted by Chapter 116, Laws of Utah 1996

34 **58-69-801**, as enacted by Chapter 116, Laws of Utah 1996



36 *Be it enacted by the Legislature of the state of Utah:*

37 Section 1. Section **58-69-102** is amended to read:

38 **58-69-102. Definitions.**

39 In addition to the definitions in Section 58-1-102, as used in this chapter:

40 (1) "Board" means the Dentist and Dental Hygienist Licensing Board created in
41 Section 58-69-201.

42 (2) "Dental assistant" means an unlicensed individual who engages in, directly or
43 indirectly, supervised acts and duties as defined by division rule made in collaboration with the
44 board.

45 (3) "Direct supervision" means the supervising dentist is present and available for
46 face-to-face communication with the person being supervised when and where professional
47 services are being provided.

48 (4) "General supervision" means that the supervising dentist is available for
49 consultation regarding work the supervising dentist has authorized, without regard as to
50 whether the supervising dentist is located on the same premises as the person being supervised.

51 (5) "Indirect supervision" means that the supervising dentist is present within the
52 facility in which the person being supervised is providing services and is available to provide
53 immediate face-to-face communication with the person being supervised.

54 (6) "Practice of dentistry" means the following, regarding humans:

55 (a) to offer, undertake, or represent that a person will undertake by any means or
56 method to:

57 (i) examine, evaluate, diagnose, treat, operate, or prescribe therapy for any disease,
58 pain, injury, deficiency, deformity, or any other condition of the human teeth, alveolar process,

- 59 gums, jaws, or adjacent hard and soft tissues and structures in the maxillofacial region;
- 60 (ii) take an appropriate history and physical consistent with the level of professional
61 service to be provided and the available resources in the facility in which the service is to be
62 provided;
- 63 (iii) take impressions or registrations;
- 64 (iv) supply artificial teeth as substitutes for natural teeth;
- 65 (v) remove deposits, accumulations, calculus, and concretions from the surfaces of
66 teeth; and
- 67 (vi) correct or attempt to correct malposition of teeth;
- 68 (b) to administer anesthetics necessary or proper in the practice of dentistry only as
69 allowed by an anesthesia permit obtained from the division;
- 70 (c) to administer and prescribe drugs related to and appropriate in the practice of
71 dentistry;
- 72 (d) to supervise the practice of a dental hygienist or dental assistant as established by
73 division rule made in collaboration with the board; or
- 74 (e) to represent oneself by any title, degree, or in any other way that one is a dentist.
- 75 (7) "Practice of dental hygiene" means, regarding humans:
- 76 (a) under the general supervision of a dentist to:
- 77 (i) perform preliminary clinical examination of human teeth and gums;
- 78 (ii) make preliminary instrumental examination of patients' teeth;
- 79 (iii) expose dental radiographs;
- 80 (iv) assess dental hygiene status and collaborate with the supervising dentist regarding
81 a dental hygiene treatment plan for a patient;
- 82 (v) remove deposits, accumulations, calculus, and concretions from the surfaces of
83 human teeth;
- 84 (vi) remove toxins and debris from subgingival surfaces;
- 85 (vii) provide dental hygiene care in accordance with a dentist's treatment plan for a
86 patient;
- 87 (viii) take impressions of teeth or jaws except for impressions or registrations to supply
88 artificial teeth as substitutes for natural teeth; [or]
- 89 (ix) administer and prescribe topical medicaments related to and appropriate in the

90 practice of dental hygiene, including antimicrobial rinses and fluoride; or
91 ~~[(ix)]~~ (x) engage in other practices of dental hygiene as defined by division rule;
92 (b) under the indirect supervision of a dentist to administer in accordance with
93 standards and ethics of the professions of dentistry and dental hygiene:
94 (i) local anesthesia; or
95 (ii) nitrous oxide analgesia;
96 (c) to represent oneself by any title, degree, or in any other way as being a dental
97 hygienist; or
98 (d) to direct a dental assistant when the supervising dentist is not on the premises.
99 (8) "Practice of dental hygiene under public health supervision" means:
100 (a) to practice dental hygiene in collaboration with a consulting dentist; and
101 (b) the hygienist may provide dental hygiene treatment according to a general protocol
102 established with a consulting dentist whether or not a dentist is located on the same premises or
103 has examined the patient, so long as a dentist is available for consultation and the dental
104 hygienist:
105 (i) advises the patient that the dental hygiene treatment is not the same as
106 comprehensive dental treatment; and
107 (ii) refers patients with the need for additional dental diagnosis or treatment.
108 ~~[(8)]~~ (9) "Supervising dentist" means a licensed dentist who has agreed to provide
109 supervision of a dental hygienist or unlicensed individual in accordance with the provisions of
110 this chapter.
111 ~~[(9)]~~ (10) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-69-501.
112 ~~[(10)]~~ (11) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-69-502
113 and as may be further defined by rule.
114 Section 2. Section **58-69-801** is amended to read:
115 **58-69-801. Dental hygienist -- Limitations on practice.**
116 A dental hygienist licensed under this chapter may only practice dental hygiene:
117 (1) in an accredited dental or dental hygienist school to teach and demonstrate the
118 practice of dental hygiene;
119 (2) for a public health agency;
120 (3) under the supervision of a dentist, for an employee leasing company or temporary

121 personnel service company providing employees to a dentist or other person lawfully providing
122 dental services:

123 (a) under the indirect supervision of a dentist licensed under this chapter at any time
124 the dental hygienist is administering an anesthetic or analgesia as permitted under this chapter
125 or division rules made under this chapter;

126 (b) under the general supervision of a dentist licensed under this chapter within the
127 office of the supervising dentist and upon patients of record of the supervising dentist; and

128 (c) under the general supervision of a dentist licensed under this chapter, and the
129 practice is conducted outside of the office of the supervising dentist, if:

130 (i) the dental hygiene work performed is authorized by the supervising dentist as a part
131 of and in accordance with the supervising dentist's current treatment plan for the patient;

132 (ii) no anesthetic or analgesia is used;

133 (iii) the supervising dentist has determined the patient's general health and oral health
134 are so that the dental hygiene work can be performed under general supervision and with an
135 acceptable level of risk or injury as determined by the supervising dentist;

136 (iv) the supervising dentist accepts responsibility for the dental hygiene work
137 performed under general supervision; and

138 (v) (A) the dental hygienist's work is performed on a patient who is homebound or
139 within a hospital, nursing home, or public health agency or institution; and

140 (B) the patient is the supervising dentist's patient of record and the dentist has
141 examined the patient within six months prior to the patient's receiving treatment from a dental
142 hygienist under this Subsection[-] (3); and

143 (4) as a volunteer for or an employee of or under a contract with a healthcare facility or
144 in an institutional setting:

145 (a) under general supervision as defined in Subsection 58-69-102(4); or

146 (b) under public health supervision as defined in Subsection 58-69-102(8) so long as
147 the dental hygienist:

148 (i) has at least five years experience as a licensed dental hygienist;

149 (ii) is currently certified in CPR for health professionals; and

150 (iii) has completed three hours of qualified continuing education in infection control
151 every two years.

Legislative Review Note
as of 1-10-07 2:59 PM

Office of Legislative Research and General Counsel

S.B. 124 - Dental Hygienist Licensing Act Amendments

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

1/19/2007, 11:18:47 AM, Lead Analyst: Eckersley, S.

Office of the Legislative Fiscal Analyst